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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SWEE SIENKOWSKI
106 Cascades Court
Blue Bell, PA 19422

vs

QUEST DIAGNOSTICS, INC.
1290 Wall Street West
Lyndhurst, NJ 07071-3603

and

QUEST DIAGNOSTICS, INC.
32 Giralda Farms
Madison, NJ 07940

: CIVIL ACTION

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14 1851

: NO.

COMPLAINT AND DEMAND FOR JURY TRIAL

GENERAL ALLEGATIONS

1. Plaintiff, Swee Sienkowski, is a citizen and resident of the Commonwealth of Pennsylvania, with her residence at 106 Cascades Court, Blue Bell, Pennsylvania, 19422.

2. Defendant, Quest Diagnostics, Inc. is a corporation organized under the laws of the State of New Jersey and engages in the business of providing clinical laboratory services to the public.

3. Jurisdiction is proper in this District due to diversity of citizenship under 28 U.S.C. §1332 in that plaintiff, **Swee Sienkowski**, is a citizen of the Commonwealth of Pennsylvania and the defendants are citizens of other jurisdictions.

FACTUAL ALLEGATIONS

4. On or about October 17, 2012, plaintiff presented to defendant facility for her annual blood workup.

5. Agents, servants, nursing staff and other attending personnel nursing staff while under the supervision and control of the corporate defendant or employees of Quest Diagnostics, Inc. performed venipuncture in an attempt to withdraw blood for blood testing.

6. During the venipuncture, defendants, by and through their agents, servants, nursing staff and other attending personnel nursing staff lacerated a blood vessel resulting in an internal bleeding.

7. As a result of the negligence of defendants in performing the venipuncture, plaintiff developed compartment syndrome.

8. Plaintiff required subsequent hospitalization as a result of the condition which developed requiring plaintiff to undergo a right upper arm fasciotomy.

9. As a further result of the negligence of defendants as hereinafter set forth, plaintiff's right arm is permanently damaged.

COUNT I
PLAINTIFF VS. DEFENDANT, GARY GORDON, DPM
NEGLIGENCE

10. Plaintiff hereby incorporates by reference all of the allegations set forth in Paragraphs 1 through 9 of this Complaint as if same were fully set forth herein at length.

11. As a health care provider licensed to provide medical testing in the Commonwealth of Pennsylvania defendant, Quest Diagnostics, Inc., owed to plaintiff a duty to exercise due care and skill in the care and treatment of plaintiff's condition.

12. Defendant, Quest Diagnostics, Inc., failed or refused to act with reasonable care in the following manner:

(a) violating their duty to provide adequate patient care, including but not limited to testing and treatment of plaintiff.

- (b) failing to properly, fully and adequately treat plaintiff for his condition;
- (c) failing to properly examine plaintiff's arm following venipuncture;
- (d) failing to properly and carefully perform venipuncture on the plaintiff;
- (e) failing to use the required amount of skill in the performance and administration of said venipuncture;
- (f) failing to properly advise and warn plaintiff of the condition or conditions which plaintiff might develop and did develop including the possibility of a lacerated blood vessel and subsequent compartment syndrome;
- (g) failing to properly advise and warn plaintiff of the condition or conditions which plaintiff might develop and did develop including permanent use of her right arm which defendants knew or should have known would or might have taken place;
- (h) failing to exercise the proper skill, diligence, due care and caution under all of the circumstances;
- (i) subjecting plaintiff to a substantially increased risk of harm.

13. As a result of the defendants' negligence and carelessness as aforesaid suffered severe physical pain and mental anguish and has suffered compartment syndrome resulting in serious and permanent injuries to plaintiff's right arm and hand.

14. Defendant's negligence has subjected plaintiff to a substantial increased risk of harm as well as other serious and permanent injuries,

15. Plaintiff makes claim herein for such injuries, damages and consequences of which she has no present knowledge,

16. By reason of the injuries sustained, plaintiff has been and may in the future continue to be required to expend various sums of money for medicine and medical treatment in and

about endeavoring to treat and cure herself of her injuries.

17. By reason of the injuries sustained, plaintiff has and may continue to suffer great pain and agony, mental anguish and humiliation and has been and may in the future be hindered from attending to her daily duties, functions and occupation, all to her great damage and loss.

WHEREFORE, plaintiff, Swee Sienkowski, demands judgment against the defendants, in a sum in excess of Seventy-five Thousand (\$75,000.00) Dollars.

COUNT II
SWEE SIENKOWSKI VS. QUEST DIAGNOSTICS, INC.

18. Plaintiff hereby incorporates by reference all of the allegations set forth in Paragraphs 1 through 17 of this Complaint as if same were fully set forth herein at length.

19. Defendant, Quest Diagnostics, Inc., provided care and treatment to plaintiff as agents, servants, nursing staff and other attending personnel nursing staff were under the supervision and control of the corporate defendant or employees of Quest Diagnostic, Inc.

20. The aforementioned physicians, nursing staff and other attending personnel nursing staff were under the supervision and control of the corporate defendant and were required to adhere to the policies, procedures and regulations promulgated by said defendant.

21. At all times relevant hereto, defendant, Quest Diagnostics, Inc., nursing staff and other attending personnel were acting in the scope of their employment as agents, servants, or employees of defendant, Quest Diagnostics, Inc. and said defendant had a duty to oversee all persons who practiced medicine within its facility as to patient care;

22. Defendants, Quest Diagnostics, Inc., is vicariously liable for the acts, commissions, or omissions of defendant, Quest Diagnostic, Inc. and its employees, staff and other attending personnel as fully as though the aforementioned physician performed the acts or omissions

themselves. In the alternative, defendants are responsible for the negligent acts or omissions of other physicians who are agents, employees, or servants of defendant, Quest Diagnostics, Inc.

23. Defendant, Quest Diagnostics, Inc., had actual or constructive knowledge of the defect of procedures which led to plaintiff's injuries.

24. Defendants, Quest Diagnostics, Inc., is liable to the acts as aforesaid as a matter of corporate liability.

25. As a direct and proximate result of the conduct of said defendant as previously set forth, plaintiff suffered severe physical pain and mental anguish and has suffered compartment syndrome, as well as other serious and permanent injuries.

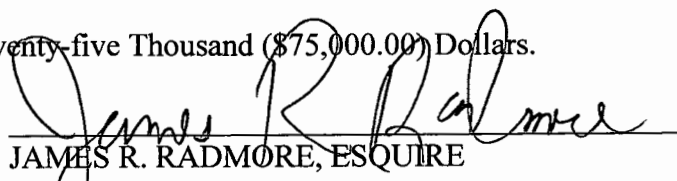
26. As a further direct and proximate result of the conduct of said defendant as previously set forth, plaintiff endured great physical pain and mental anguish, discomfort, distress and pain and suffering.

27. As a further direct and proximate result of the conduct of said defendant as previously set forth, plaintiff required medical treatment and care and incurred medical expenses therefor.

28. As a further direct and proximate result of the conduct of said defendant as previously set forth, plaintiff has been subjected to a substantial increased risk of harm as well as other serious and permanent injuries,

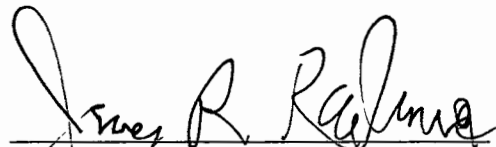
29. Plaintiff makes claim herein for such injuries, damages and consequences of which he has no present knowledge,

WHEREFORE, plaintiff, Swee Sienkowski, demands judgment against the defendants, in a sum in excess of Seventy-five Thousand (\$75,000.00) Dollars.


JAMES R. RADMORE, ESQUIRE
Attorney for plaintiff

CERTIFICATION

JAMES R. RADMORE, ESQUIRE, certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and there are no additional known parties who should be joined to this present action at this time. I certify the foregoing to be true. I am aware that if the above is willfully false, I am subject to punishment.


JAMES R. RADMORE, ESQUIRE
Attorney for Plaintiff

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Swee Sienkowski

(b) County of Residence of First Listed Plaintiff Montgomery
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James R. Radmore, Esquire
Law Office of James R. Radmore, P.C.
Two Penn Center, Suite 520, Philadelphia, PA 19102 215 568 9900

DEFENDANTS

Quest Diagnostcs, Inc. and Quest Diagnostics, Inc.

County of Residence of First Listed Defendant Bergen
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Diversity of Citizenship

Brief description of cause:
Medical Malpractice

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

IN EXCESS OF \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

MAR 27 2014

DATE
03/27/2014SIGNATURE OF ATTORNEY OF RECORD
/s/James R. Radmore

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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ER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

SWEE SIENKOWSKI

v.

QUEST DIAGNOSTICS, INC., etal

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:
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CIVIL ACTION

14 1851

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

()

March 27, 2014
Date

\s\James R. Radmore
Attorney-at-law

Plaintiff
Attorney for

MAR 27 2014

215 568 9900
Telephone

215 568 4546
FAX Number

jrr@radmore.net;msh@radmore.net
E-Mail Address

MAR 27 2014

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 106 Cascades Court, Blue Bell, PA 19422

14 1851

Address of Defendant: 1290 Wall Street West, Lyndhurst, NJ 07071

Place of Accident, Incident or Transaction: 1050 S. Broad Street, Lansdale, PA 19446

(Use Reverse Side For Additional Space)

14 1851

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases

(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury - Medical Malpractice
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, James R. Radmore

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: March 27, 2014

\sJames R. Radmore

Attorney-at-Law

36649

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MAR 27 2014

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: DATE: March 27, 2014

\sJames R. Radmore

Attorney-at-Law

36649

Attorney I.D.#

ER

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SWEE SIENKOWSKI

: CIVIL ACTION

vs

:

:

:

14 1851

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**QUEST DIAGNOSTICS, INC.
and QUEST DIAGNOSTICS, INC.**

: No.

DISCLOSURE STATEMENT FORM

Please check one box:



The nongovernmental corporate party, Swee Sienkowski, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.



The nongovernmental corporate party, _____, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

March 27, 2014

\sJames R. Radmore

Date

Signature

Counsel for: Plaintiff, Swee Sienkowski

Federal Rule of Civil Procedure 7.1 Disclosure Statement

(a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:

- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
- (2) states that there is no such corporation.

(b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:

- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court;
and
- (2) promptly file a supplemental statement if any required information changes.